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OFFICE OF PETITIONS

PATENT  
ATTORNEY DOCKET  
NO. 74784IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Biedermann et al.

Serial No.: 09/242,540

Filed: February 18, 1999

Title: PYRIDYL ALKENE AND PYRIDYL  
ALKINE-ACID AMIDES AS CYTOSTATICS  
AND IMMUNOSUPPRESSIVES

Group Art Unit:1624

Examiner: Coleman

) CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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) EL 134 996 667 US) Date of Deposit August 5, 2002) I hereby certify that this paper or fee is  
being deposited with the United States Postal  
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Addressee" Service under 37 CFR \$1.10 on the  
date indicated above and is addressed to the  
Commissioner of Patents and Trademarks,  
Washington, D.C. 20231.) Dominic Vesell

) (Typed or printed name of person mailing)

) Dan Vesell  
(Signature of person mailing)PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE  
AN INADVERTENTLY AND UNINTENTIONALLY ABANDONED APPLICATIONHonorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Dear Sir:

Applicant respectfully petition the Commissioner under 37 C.F.R. §1.137(b) to revive the above-identified application which was inadvertently and unintentionally abandoned for failure to prosecute and that the delay in prosecution and payment of fees was unintentional.

A final office action dated November 15, 2001 was received. Applicant's attorney interviewed the Examiner on March 13, 2002 and an agreement was reached in regards to claim amendments and a response to the final office action. A copy of the Interview Summary is attached as Exhibit A. Amendment B along with the required Petition for Extension of Time was filed on April 10, 2002. Applicant's attorney received an Advisory Action dated May 10, 2002 on May 16, 2002. Hence, the application was technically abandoned after

May 15, 2002, which was six months after the date of the final rejection. Applicant's attorney filed nothing further after filing Amendment B on April 10, 2002 as Applicant's attorney expected that the application was to be allowed.

The inadvertent and unintentional abandonment of the application was not realized until after May 16, 2002. Such discovery resulted in the immediate commencement of preparation of this Petition.

This Petition includes the following items which would have been filed on or before May 15, 2002.

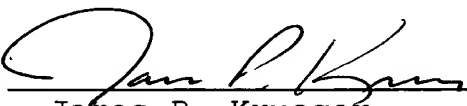
1. Continuing Patent Application Transmittal under 37 CFR 1.53(b) and Preliminary Amendment;
2. Copy of application serial no. 09/242,540 and copy of signed Declaration;
3. Authorization to charge Deposit Account No. 06-1135 in the amount of \$1110.00 in payment of the continuation application filing fee.

The Commissioner is hereby authorized to charge Deposit Account No. 06-1135 the petition fee under 37 C.F.R. §1.17(m) (1) in the amount of \$1280.00.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By:   
James P. Krueger  
Registration No. 35,234

**AUG 05 2002**

Date: \_\_\_\_\_  
120 South LaSalle St., Suite 1600  
Chicago, Illinois 60603-3406  
Telephone: (312) 577-7000  
Telefax: (312) 577-7000